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EXAMINER

JACOBS, LASHONDA T

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

JUL 25 2007

Technology Center 2100

Application Number: 09/866,410
Filing Date: May 25, 2001
Appellant(s): MATSA ET AL.

Blanche E. Schiller
Reg. No. 35,670
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 29, 2007 appealing from the Office action mailed March 10, 2006.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6147977	Thro et al	11-2000
20020116477	Somashekar et al	8-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-11, 16-26, 31, 33-43** and **48-51** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thro et al (hereinafter, "Thro", U.S. Pat. No. 6,147,997 in view Somashekar et al (hereinafter, "Somashekar", U.S. Pub. No. 2002/0116477).

As per claims **1, 16, 31** and **33**, Thro discloses a method, system and program storage device of routing instant messages, said method comprising:

- a delivery policy to be used to route an instant message to an intended recipient of the instant message, wherein the delivery policy is based upon a configuration of the delivery manager (col. 4, lines 60-67, col. 5, lines 1-11 and lines 55-67);
- user configuration of the intended recipient, and one or more available delivery mechanisms (col. 3, lines 48-63); and
- routing said instant message to the intended recipient using said delivery policy (col. 5, lines 55-67).

However, Thro does not explicitly disclose:

- defining, at runtime a pluggable delivery manager.

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Somashekar discloses a Bundle Configuration Utility (BCU) for configuring network deliverable pluggable components comprising:

- defining, at runtime a pluggable delivery manager (pluggable component) (paragraphs 0010-0011 and 0015-0016).

Given the teaching of Somashekar, it would have been obvious to one of ordinary skill in the art to modify Thro by including a pluggable component (delivery manager) within system in order to configure the pluggable component (delivery manager) before deployment thereby allowing the pluggable component (delivery manager) to perform the specified instructions.

As per claims 2, 17 and 34, Thro discloses wherein said defining of the delivery policy comprises:

- defining a routing policy based on said user configuration and said one or more available delivery mechanisms, wherein said routing policy includes one or more possible delivery mechanisms (col. 3, lines 48-63 and col. 5, lines 55-67); and
- selecting from the routing policy at least one delivery mechanism to be included in the delivery policy, said selecting being based upon the configuration the delivery manager (col. 8, lines 62-67 and col. 9, lines 1-20).

However, Thro does not explicitly disclose:

- a pluggable delivery manager.

Somashekar discloses a Bundle Configuration Utility (BCU) for configuring network deliverable pluggable components comprising:

- a pluggable delivery manager (pluggable component) (paragraphs 0010-0011 and 0015-0016).

Given the teaching of Somashekar, it would have been obvious to one of ordinary skill in the art to modify Thro by including a pluggable component (delivery manager) within system in order to configure the pluggable component (delivery manager) before deployment thereby allowing the pluggable component (delivery manager) to perform the specified instructions.

As per claims 3, 18 and 35, Thro wherein said defining of the delivery policy comprises:

- determining, from the user configuration, one or more delivery mechanisms supported by said intended recipient (col. 3, lines 48-63);
- determining which of said one or more delivery mechanisms supported by said intended recipient are included in the one or more available delivery mechanisms to yield one or more possible delivery mechanisms (col. 4, lines 60-67, col. 5, lines 1-11 and lines 55-67); and
- determining which of the one or more possible delivery mechanisms are supported by the delivery manager, as indicated in the configuration of the delivery manager, a result of which defines the delivery policy (col. 4, lines 60-67, col. 5, lines 1-11 and lines 55-67).

However, Thro does not explicitly disclose:

- a pluggable delivery manager.

Somashekar discloses a Bundle Configuration Utility (BCU) for configuring network deliverable pluggable components comprising:

- a pluggable delivery manager (pluggable component) (paragraphs 0010-0011 and 0015-0016).

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Given the teaching of Somashekar, it would have been obvious to one of ordinary skill in the art to modify Thro by including a pluggable component (delivery manager) within system in order to configure the pluggable component (delivery manager) before deployment thereby allowing the pluggable component (delivery manager) to perform the specified instructions.

As per claims **4**, **19** and **36**, Thro discloses:

- wherein said routing comprises dispatching the instant message to at least one delivery mechanism of the delivery policy, as indicated by the delivery policy (col. 5, lines 55-67).

As per claims **5**, **20** and **37**, Thro discloses:

- wherein said routing comprises dispatching the instant message at least one delivery mechanism of the delivery policy, as indicated by the delivery policy (col. 5, lines 55-67).

As per claims **6**, **21** and **38**, Thro further discloses:

- selecting the delivery manager from a plurality of delivery managers (col. 4, lines 60-66).

However, Thro does not explicitly disclose:

- a pluggable delivery manager.

Somashekar discloses a Bundle Configuration Utility (BCU) for configuring network deliverable pluggable components comprising:

- a pluggable delivery manager (pluggable component) (paragraphs 0010-0011 and 0015-0016).

Given the teaching of Somashekar, it would have been obvious to one of ordinary skill in the art to modify Thro by including a pluggable component (delivery manager) within system in order to configure the pluggable component (delivery manager) before deployment thereby allowing the pluggable component (delivery manager) to perform the specified instructions.

As per claims **7**, **22** and **39**, Thro discloses the invention substantially as claims discussed above.

However, Thro does not explicitly disclose:

- configuring said pluggable delivery manager.

Somashekar discloses a Bundle Configuration Utility (BCU) for configuring network deliverable pluggable components comprising:

- configuring said pluggable delivery manager (pluggable component) (paragraphs 0010-0011 and 0015-0016).

Given the teaching of Somashekar, it would have been obvious to one of ordinary skill in the art to modify Thro by including a pluggable component (delivery manager) within system in order to configure the pluggable component (delivery manager) before deployment thereby allowing the pluggable component (delivery manager) to perform the specified instructions.

As per claim **8**, **23** and **40**, Thro disclose wherein said configuring comprises:

- selecting a configuration for said delivery manager from a set of one or more configurations, wherein said selecting uses content of the instant message to make the selection (col. 4, lines 60-67, col. 5, lines 1-11 and lines 55-67).

However, Thro does not explicitly disclose:

- a pluggable delivery manager.

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Somashekar discloses a Bundle Configuration Utility (BCU) for configuring network deliverable pluggable components comprising:

- a pluggable delivery manager (pluggable component) (paragraphs 0010-0011 and 0015-0016).

Given the teaching of Somashekar, it would have been obvious to one of ordinary skill in the art to modify Thro by including a pluggable component (delivery manager) within system in order to configure the pluggable component (delivery manager) before deployment thereby allowing the pluggable component (delivery manager) to perform the specified instructions.

As per claims **9**, **24** and **41**, Thro discloses the invention substantially as claims discussed.

However, Thro does not explicitly disclose:

- wherein said configuring comprises configuring said pluggable delivery manager at runtime.

Somashekar discloses a Bundle Configuration Utility (BCU) for configuring network deliverable pluggable components comprising:

- wherein said configuring comprises configuring said pluggable delivery manager (pluggable component) at runtime (paragraphs 0010-0011 and 0015-0016).

Given the teaching of Somashekar, it would have been obvious to one of ordinary skill in the art to modify Thro by including a pluggable component (delivery manager) within system in order to configure the pluggable component (delivery manager) before deployment thereby allowing the pluggable component (delivery manager) to perform the specified instructions.

As per claims **10**, **25** and **42**, Thro discloses:

- wherein the intended recipient is indicated by the instant message (col. 3, lines 48-63).

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As per claims **11, 26 and 43**, Thro discloses the invention substantially as claims discussed above:

However, Thro does not explicitly disclose:

- wherein at least one available delivery mechanism of said one or more available delivery mechanisms is pluggable.

Somashekar discloses a Bundle Configuration Utility (BCU) for configuring network deliverable pluggable components comprising:

- wherein at least one available delivery mechanism of said one or more available delivery mechanisms is pluggable (pluggable component) (paragraphs 0010-0011 and 0015-0016).

Given the teaching of Somashekar, it would have been obvious to one of ordinary skill in the art to modify Thro by including a pluggable component (delivery manager) within system in order to configure the pluggable component (delivery manager) before deployment thereby allowing the pluggable component (delivery manager) to perform the specified instructions.

As per claims **48, 49, 50 and 51**, Thro discloses the invention substantially as claims discussed above:

However, Thro does not explicitly disclose:

- wherein the pluggable delivery manager is dynamically added at runtime.

Somashekar discloses a Bundle Configuration Utility (BCU) for configuring network deliverable pluggable components comprising:

- wherein the pluggable delivery manager (pluggable component) is dynamically added at runtime (paragraphs 0010-0011 and 0015-0016).

Given the teaching of Somashekar, it would have been obvious to one of ordinary skill in the art to modify Thro by including a pluggable component (delivery manager) within system in order to configure the pluggable component (delivery manager) before deployment thereby allowing the pluggable component (delivery manager) to perform the specified instructions.

(10) Response to Argument

(a) Thro and Somashekar fails to describe, teach or suggest using a pluggable delivery manager in routing messages [Appeal Brief page 7].

In response, Applicants' argument has been fully considered but is not persuasive.

Thro teaches a method and apparatus for processing messages based on originator and recipient priorities that defines a priority routing of messages to a recipient. The messages are sent according to a priority routing table, which defines how messages should be routed to the recipient (See Thro, col. 4, lines 60-67 and col. 5, lines 1-11 and lines 55-67). However, Thro was used in combination with Somashekar, which teaches pluggable components (delivery manager) that are configured during execution. The pluggable components are delivered to an embedded server to provide access to one or more services on the embedded server in which the embedded server may provide a runtime framework that manages the loading, installation, activation, execution and removal of one or more services and/or pluggable components (see Somashekar paragraphs 0010-0011, 0015-0016 and 0041). Therefore, the combination of Thro and Somashekar does teach a pluggable manager being configured and used to route messages.

(b) Thro and Somashekar does not describe, teach or suggest a pluggable delivery manager, and therefore, also fails to describe to describe, teach or suggest appellants' claimed element of

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defining, at runtime by a pluggable delivery manager, a delivery policy to be used to route an instant message to an intended recipient of the instant message [Appeal Brief page 7 and 8].

Thro teaches a method and apparatus for processing messages based on originator and recipient priorities that defines a priority routing of messages to a recipient. The messages are sent according to a priority routing table, which defines how messages should be routed to the recipient (See Thro, col. 4, lines 60-67 and col. 5, lines 1-11 and lines 55-67). However, Thro was used in combination with Somashekar, which teaches pluggable components (delivery manager) that are configured during execution. The pluggable components are delivered to an embedded server to provide access to one or more services on the embedded server in which the embedded server may provide a runtime framework that manages the loading, installation, activation, execution and removal of one or more services and/or pluggable components (see Somashekar paragraphs 0010-0011, 0015-0016 and 0041). Therefore, the combination of Thro and Somashekar does teach defining, at runtime by a pluggable delivery manager, a delivery policy to be used to route an instant message to an intended recipient of the instant message.

(c) Somashekar does not describe, teach, or suggest using pluggable components in the delivery of instant messages [Appeal Brief page 8].

Somashekar teaches a pluggable component, which may also be referred to as a bundle, may be a container (e.g. Java Archive (JAR) files that may include the full set of classes and methods (e.g. Java classes and methods) and/or other resources (e.g. files, data, configuration information including preferences, etc.) needed to implement a service or services on an embedded server. Since Somashekar teaches that a pluggable component may be other resources (e.g. files, data, configuration information including preferences, etc.) needed to implement a

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service or services, then Somashekar does teach that the pluggable components can be used in the delivery of instant messages, which is interpreted as a type of service (see Somashekar paragraph 0011).

(d) Appellants respectfully submit that the combination of Thro and Somashekar is improper and even if proper, the combination does not teach or suggest at least appellants' claimed element of defining, at runtime by a pluggable delivery manager, a delivery policy to be used to route an instant message to an intended recipient of the instant message.

Thro teaches a method and apparatus for processing messages based on originator and recipient priorities that defines a priority routing of messages to a recipient. The messages are sent according to a priority routing table, which defines how messages should be routed to the recipient (See Thro, col. 4, lines 60-67 and col. 5, lines 1-11 and lines 55-67). However, Thro was used in combination with Somashekar, which teaches pluggable components (delivery manager) that are configured during execution. The pluggable components are delivered to an embedded server to provide access to one or more services on the embedded server in which the embedded server may provide a runtime framework that manages the loading, installation, activation, execution and removal of one or more services and/or pluggable components (see Somashekar paragraphs 0010-0011, 0015-0016 and 0041). Somashekar also teaches that the pluggable component may also be referred to as a bundle, may be a container (e.g. Java Archive (JAR) files that may include the full set of classes and methods (e.g. Java classes and methods) and/or other resources (e.g. files, data, configuration information including preferences, etc.) needed to implement a service or services on an embedded server. Since Somashekar teaches that a pluggable component may be other resources (e.g. files, data, configuration information

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including preferences, etc.) needed to implement a service or services, then Somashekar does teach that the pluggable components can be used in the delivery of instant messages, which is interpreted as a type of service. Therefore, the combination of Thro and Somashekar does teach defining, at runtime by a pluggable delivery manager, a delivery policy to be used to route an instant message to an intended recipient of the instant message.

(e) There is no description, teaching or suggestion in Thro or Somashekar of, for instance, configuring the pluggable delivery manager by selecting the configuration from a set of one or more configurations, wherein the selecting uses content of the instant message to make the selection.

Thro teaches a method and apparatus for processing messages based on originator and recipient priorities that defines a priority routing of messages to a recipient. The messages are sent according to a priority routing table, which defines how messages should be routed to the recipient (See Thro, col. 4, lines 60-67 and col. 5, lines 1-11 and lines 55-67). However, Thro was used in combination with Somashekar, which teaches pluggable components (delivery manager) that are configured during execution. The pluggable components are delivered to an embedded server to provide access to one or more services on the embedded server in which the embedded server may provide a runtime framework that manages the loading, installation, activation, execution and removal of one or more services and/or pluggable components (see Somashekar paragraphs 0010-0011, 0015-0016 and 0041). Somashekar also teaches a user graphical interface that allows a user to enter commands for accessing, modifying, updating and distributing the configuration in the source pluggable component. Therefore, the combination of Thro and Somashekar does teach configuring the pluggable delivery manager by selecting the

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configuration from a set of one or more configurations, wherein the selecting uses content of the instant message to make the selection.

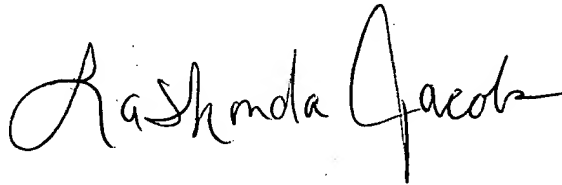
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

LaShonda Jacobs
Examiner
Art Unit 2157

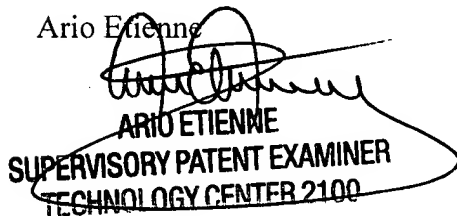


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